

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
NOVEMBER 7, 1995**

The one thousand seven hundred and thirtieth meeting of the Milwaukie City Council was called to order by Mayor Lomnicki at 7:00 p.m. in the Council Chambers at Milwaukie City Hall. The following Councilors were present:

Craig Lomnicki,
Mayor
Rick Farley

Jean Schreiber
Rob Kappa
Don Trotter

Also present:

Dan Bartlett,
City Manager
Charlene Richards,
Assistant to the
City Manager
Ted Baird,
City Attorney
Brent Collier,
Police Chief

Greg Drechsler,
Acting Public Works Director
Maggie Collins,
Community Development Director
Jim Crumley,
Senior Planner

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Mayor Lomnicki read a proclamation naming November 10, 1995, as "*Veterans Remembrance Celebration Day*" in the City of Milwaukie.

Mayor Lomnicki read a proclamation naming November 15, 1995, through January 1, 1996, as "*Designate a Driver -- It's a Labor of Holiday Love*" in the City of Milwaukie. This is a partnership between AAMCO, MADD, and the North Clackamas Chamber of Commerce. Representatives of AAMCO and MADD addressed the City Council.

AUDIENCE PARTICIPATION

Judith Duncan, 1936 SE Eagle, representing the Island Station Land Use Committee. She thanked the City Council for its continuing support in working to reduce the odor at the Kellogg Treatment Plant. She also expressed her appreciation for the Council's participation in the Island Station National Night out event in August.

Duncan then addressed the neighborhood's concerns with code enforcement. Rich Atkinson, Code Enforcement Officer, attended Neighborhood District Association meetings and made several suggestions to the group. The neighborhood is planning a spring cleanup program but needs the support of the Code Enforcement Division to solve long-term problems. Code enforcement is important to the entire City, and she supported abatement actions.

Councilmember Kappa asked Duncan, without mentioning specific properties, what she hoped to see in the neighborhood.

Duncan said there are some very flagrant violations in the Island Station neighborhood. She specifically mentioned the significant nuisance of partially-built structures.

Mayor Lomnicki said he appreciated the concerns of the Neighborhood District Association about making neighborhoods better by letting City Council and staff know about the problems.

Duncan added that the Land Use Training sessions were very beneficial to the Neighborhood District Association.

Bartlett discussed the plans of the Office of Neighborhoods to hold a Neighborhood Strategic Plan Summit. One of the elements will be walking each neighborhood with staff and the Code Enforcement Officer to identify problem areas and the level of enforcement acceptable to each neighborhood. He mentioned several circumstances in which neighbors helped elderly or disabled residents bring their properties into compliance.

Jean Cowling, 10506 SE 55th. She addressed the City Council on code enforcement activities that she believed have not been carried out. She has worked with the Public Works Department since May to resolve a clear vision issue with a neighbor's fence. The fence in question is 6'10" tall, and she cannot see oncoming traffic when backing out of her driveway. Jim Crumley contacted her and reported that the neighbor had found a loophole in the Ordinance by building up a flower bed, but she believed the intent of the code should be enforced. She provided the City Council with backup information regarding her contacts with City staff.

Bartlett said staff believes the issue is now a civil matter between the neighbors.

Mayor Lomnicki said staff has dealt with this issue for quite some time. He understood that Cowling felt the neighbors were trying to beat the system, and the City was allowing them to do so. Staff is preparing a code amendment to rectify the loophole.

Councilmember Farley asked what the loophole was.

Crumley said the loophole is the method of measuring the fence height which is from the highest ground surface horizontal from the fence. The Ordinance was initially written for measuring the height of a fence from a retaining wall; however, the term "retaining wall" was not included in the Ordinance. Therefore, the fence does not conflict with the code under this current definition.

Councilmember Farley asked if, according to the laws, a person could bring the 6'10" fence all the way to the sidewalk.

Crumley said the front setback height is 42". The City does not allow any sight problems, so the property owner was asked to remove both a portion of the fence and some shrubs.

Cowling commented that the bushes had not been removed.

Crumley said staff will probably request clarification by referring to natural surfaces or retaining walls in the Ordinance -- not raised flower beds.

Councilmember Kappa asked if this clarification would go through the Planning Commission.

Crumley said the clarification would be an amendment to the Zoning Ordinance.

Councilmember Schreiber asked if the intent of the property owner was clear when the fence was built, or was this person trying to circumvent the City code.

Crumley said the first time the fence was measured, it complied with the Code.

Councilmember Farley asked if the raised bed was in when the fence was put up.

Crumley said he presumed it was not; however, it was put in before the fence was measured.

Mayor Lomnicki pointed out that the Code Enforcement Officer is responsible for enforcing the code, and he says the fence is not in violation. He added that this fence would be grandfathered-in when the code is amended.

Cowling said the shrubs have not been removed, and the raised bed does not go the full length of the fence.

Baird stated that this is no longer a City issue but is now a civil issue between the two property owners.

Cowling asked who would enforce the code if the City will not do it.

Mayor Lomnicki responded that staff believes the code is being enforced.

Councilmember Kappa suggested the avenue of conflict resolution through the Office of Neighborhood Services.

Cowling said the neighbors have refused to speak with her for over a year. She said she felt she would have to live with the situation, but if she had an accident while backing out of her driveway, she would take it from that point.

Mayor Lomnicki said the Code Enforcement Officer will go back and inspect the site to make sure it is in compliance in order for it to be clear in everyone's mind.

Cowling said, if there is an accident or if a child gets hit, there will be further action.

PUBLIC HEARING

File CPA-95-01: Johnson Creek Resources Management Plan

Mayor Lomnicki called the Public Hearing on the Comprehensive Plan amendment to order at 7:30 p.m.

The purpose of the hearing was to consider adopting the Johnson Creek Resources Management Plan as an ancillary document to the Milwaukie Comprehensive Plan. He reviewed the order of business.

The procedures governing the legislative action were outlined in the staff report and the applicable substantive criteria to be addressed are contained in the staff report. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue. Any interested party may appeal the decision of the Council to the State Land Use Board of Appeals according to the rules adopted by that board. He reviewed the conduct of the hearing.

Staff Report: **Jim Crumley**, Senior Planner, presented the staff report in which the City Council was requested to adopt an Ordinance making the Johnson Creek Resources Management Plan an ancillary document to the City's Comprehensive Plan.

This plan has been in formation for almost four years, with Councilmember Kappa, Scott McClure, and Maggie Collins participating on behalf of Milwaukie. The Planning Commission held a Public Hearing in which it recommended the adoption to the City Council. The findings for approval are on pages four and five of the staff report. Staff concurs with the Planning Commission and urges that the City Council adopt the Ordinance to benefit the citizens of Milwaukie.

Mayor Lomnicki said the City Council has already reviewed this document and adopted it. The decision at this time is to determine whether or not it should be an ancillary document to the Comprehensive Plan. The Planning Commission recommended adoption as an ancillary document.

Correspondence: None.

Public Testimony: **Walt Mintkewski**, 6815 SE 31st, Portland. As founder of the Friends of Johnson Creek, he supported adoption of the Resource Management Plan as an ancillary document to the Milwaukie Comprehensive Plan.

Jerome Fulton, 1812 NE 45th, Marshall High School teacher. He urged that the Milwaukie City Council not adopt the Plan. Ninety percent of the money is going to flood control. Flood control has never worked because it gives people false hope that they can develop property in the flood plain. As an alternative, he recommended a flood damage avoidance program in which, over a long period of time, property is purchased and the creek is allowed to flood. He expressed concern about the impact of improper development upstream. Milwaukie, as a public agency, has the responsibility to make sure that the cost of future development upstream is not charged to rate payers downstream. He believed that Johnson Creek really needed some type of re-vegetation program. He discussed the potential Corps of Engineers' flood control plan.

Mayor Lomnicki said the City of Milwaukie has been working with Clackamas County on storm water management. He did not want the public to have the impression that these issues were not being addressed. Development to the east does impact the City of Milwaukie, and jurisdictions are working together to solve the issues.

Linda Bauer, 6232 SE 158th. She expressed her support for the Plan.

Eric Machorro, City of Portland, Bureau of Environmental Services, 1120 SW 5th Ave., Room 400. The Johnson Creek Resource Management Plan is a recognized success because it is one of the few planning activities shared creatively with the community on the entire watershed. Four of the projects included in the Plan are structurally based, and the City of Portland is looking forward to working with the City of Milwaukie on the details. Portland will work toward fostering community ownership of the watershed by coordinating flood control policies, expanding open spaces, and restoring native vegetation and salmon runs. He added that the Plan cannot succeed without Milwaukie's participation.

Councilmember Farley asked if there were any dredging plans.

Machorro said no dredging is proposed at this time. He added that certain areas will be hand-pruned to maintain the habitat.

Councilmember Farley asked if there was a problem with pollution from farm runoff.

Machorro said this is the type of thing that will be addressed through the Plan. Controls and partnerships have to be built in the lower part of the watershed while continuing to provide for economic issues.

Councilmember Farley said in the Gresham area there is a tremendous amount of impervious surface being constructed. He asked the extent of the negative impact in the Milwaukie area of the watershed.

Machorro said, as the 2040 Plan continues, flooding in Portland and Milwaukie will be an issue. The Resource Management Plan delivers the framework to provide for programs, regulations, and partnerships on those types of issues.

Staff Comments: None.

Questions of Clarification: None.

Mayor Lomnicki closed the public testimony portion of the hearing on the Comprehensive Plan amendment at 7:50 p.m.

Discussion among Councilmembers: None.

Determination of Findings and Decision: **It was moved by Councilmember Kappa and seconded by Councilmember Trotter to read the Ordinance amending Ordinance 1437 by adopting the Johnson Creek Resources Management Plan as an ancillary document for the first time by title only.**

Councilmember Kappa commented that, after four years of working with very talented people, he believed the document could stand on its own and address the regional issues. He felt that, although this has taken four years of his time, this is the first step and the second is the implementation of this plan.

Councilmember Farley said he did not feel that confident; however, something needed to be done, and this plan should be given an opportunity.

Motion passed unanimously. The Ordinance was read for the first time by title only.

It was moved by Councilmember Kappa and seconded by Councilmember Trotter to read the Ordinance amending Ordinance 1437 by adopting the Johnson Creek Resources Management Plan as an ancillary document for the second time by title only.

Councilmember Schreiber commented that the program will probably be very costly.

Councilmember Kappa commented that the degradation of Johnson Creek would be an even higher price to pay.

Motion passed unanimously. The Ordinance was read for the second time by title only.

It was moved by Councilmember Kappa and seconded by Councilmember Trotter to amend Ordinance 1437 by adopting the Johnson Creek Resources Management Plan as an ancillary document. Motion passed unanimously.

ORDINANCE NO. 1787:

**AN ORDINANCE OF THE CITY OF MILWAUKIE,
OREGON, AMENDING ORDINANCE NUMBER 1437, THE
COMPREHENSIVE PLAN (CPA-95-01) BY ADOPTING
THE JOHNSON CREEK RESOURCES MANAGEMENT
PLAN AS AN ANCILLARY DOCUMENT.**

File CPA-95-02: Natural Resources List Amendment

Mayor Lomnicki called the Public Hearing on the Comprehensive Plan amendment to order at 7:53 p.m.

Mayor Lomnicki said the purpose of the hearing was to consider amending Appendix 2 of the Comprehensive Plan by the addition of ten lots inadvertently left off the original list adopted in 1989. The order of business and procedures governing this Public Hearing were the same as for CPA-95-01. He reviewed the conduct of the hearing.

Staff Report: **Crumley** presented the staff report in which the City Council was requested to adopt an Ordinance amending Appendix 2 of the Comprehensive Plan by the addition of ten tax lots inadvertently left off the original list adopted in 1989.

This Ordinance is an amendment that includes properties that are encumbered by their natural resource values. By adding these tax lots to the Natural Resources Property List, there would be equal and fair treatment to all property owners.

Councilmember Kappa asked if there had been any mitigation on these properties in regard to Kellogg Creek.

Crumley indicated there have been no development applications, so there are no legal issues to be addressed.

Councilmember Schreiber referred to the map on page five of the staff report and asked if the ten properties in question were enclosed completely in the oval.

Crumley said this was correct; all ten tax lots were within the oval.

Correspondence: None.

Public Testimony: None.

Staff Comments: None.

Questions of Clarification: None.

Mayor Lomnicki closed the public testimony portion of the hearing on the Comprehensive Plan amendment at 7:57 p.m.

Discussion among Councilmembers: None.

Determination of Findings and Decision: **It was moved by Councilmember Kappa and seconded by Councilmember Trotter to read the Ordinance amending Ordinance 1437, the Comprehensive Plan (CPA-95-02) for the first time by title only. Motion passed unanimously. The Ordinance was read for the first time by title only.**

It was moved by Councilmember Kappa and seconded by Councilmember Trotter to read the Ordinance amending Ordinance 1437, the Comprehensive Plan (CPA-95-02) for the second time by title only. Motion passed unanimously. The Ordinance was read for the second time by title only.

It was moved by Councilmember Kappa and seconded by Councilmember Trotter to amend Ordinance 1437, the Comprehensive Plan (CPA-95-02) by adopting the Johnson Creek Resources Management Plan as an ancillary document. Motion passed unanimously.

ORDINANCE NO. 1788:

**AN ORDINANCE OF THE CITY OF MILWAUKIE,
OREGON, AMENDING ORDINANCE NUMBER 1437, THE
COMPREHENSIVE PLAN (CPA-95-02).**

File CPA-95-03: City of Milwaukie Vision Statement

Mayor Lomnicki called the Public Hearing on the Comprehensive Plan amendment to order at 8:08 p.m.

Mayor Lomnicki said the purpose of the hearing was to consider adopting the Milwaukie Vision Statement as an ancillary document to the Comprehensive Plan. The order of business and procedures governing this Public Hearing were the same as the two previous hearings. He reviewed the conduct of the hearing.

Staff Report: **Maggie Collins**, Community Development Director, presented the staff report in which the City Council was requested to adopt an Ordinance making the Milwaukie Vision Statement an ancillary document to the Milwaukie Comprehensive Plan.

City Council reviewed and adopted the Vision Statement on June 20, 1995. The Planning Commission held a Public Hearing on September 26, 1995, and it recommended adoption of the Statement as an ancillary document to the Comprehensive Plan.

Correspondence: None.

Public Testimony: **David Burgess**, 22840 Willamette Drive, West Linn, asked for clarification of the document.

Mayor Lomnicki explained the Statement was the result of a public process in which participants were asked what they would like the City of Milwaukie to look like in 2015 and what things were important to them. These included the riverfront, Expanded City Center, neighborhoods, and transportation. He discussed the City's purchase of riverfront property and the formation of steering and planning committees to look at future development.

Staff Comments: None.

Questions of Clarification: None.

Mayor Lomnicki closed the public testimony portion of the hearing on the Comprehensive Plan amendment at 8:14 p.m.

Discussion among Councilmembers: None.

Determination of Findings and Decision: **It was moved by Councilmember Trotter and seconded by Councilmember Kappa to read the Ordinance amending Ordinance 1437, the Comprehensive Plan, by adopting the Milwaukie Vision Statement as an ancillary document for the first time by title only.**

Councilmember Trotter said adding the Statement to the Comprehensive Plan was very significant. The process will continue for the next 10 - 25 years, and the document is a way of ensuring that the vision will continue and come to pass.

Motion passed unanimously. The Ordinance was read for the first time by title only.

It was moved by Councilmember Trotter and seconded by Councilmember Kappa to read the Ordinance amending Ordinance 1437, the Comprehensive Plan, by adopting the Milwaukie Vision Statement as an ancillary document for the second time by title only. Motion passed unanimously. The Ordinance was read for the second time by title only.

It was moved by Councilmember Trotter and seconded by Councilmember Kappa to amend Ordinance 1437, the Comprehensive Plan, by adopting the Milwaukie Vision Statement as an ancillary document. Motion passed 4 - 1 with the following vote: Mayor Lomnicki, Councilmember Schreiber, Councilmember Kappa, and Councilmember Trotter aye; Councilmember Farley nay; and no abstentions.

ORDINANCE NO. 1789:

**AN ORDINANCE OF THE CITY OF MILWAUKIE,
OREGON, AMENDING ORDINANCE NUMBER 1437, THE
COMPREHENSIVE PLAN; AND ADOPTING THE
MILWAUKIE VISION STATEMENT AS AN ANCILLARY
DOCUMENT TO THE MILWAUKIE COMPREHENSIVE
PLAN (CPA-95-03).**

OTHER BUSINESS

Review Consent Agenda Items

Mayor Lomnicki asked if there were any Consent Agenda items Council wished to bring forward for discussion. He referred to Item V.B -- Budgeted Vehicle Purchases -- Police Cars -- which was acted upon during a Special City Council meeting held November 3, 1995.

There were no items brought forward from the Consent Agenda.

Milwaukie Center Rental Rate Change

Charlene Richards, Assistant to the City Manager, said she was bringing the rate change proposal forward on behalf of the C/CAB. City Council is being asked to either approve or disapprove of the proposed rate change. The District Board will consider the proposal at its meeting on November 9, 1995. According to the intergovernmental agreement, both entities must approve the rate change in order for it to go into effect.

Joan Young, Milwaukie Center Director, presented the staff report in which the City Council was requested to approve a proposed rate schedule as approved by the Center/Community Advisory Board. An ad hoc committee compared rates in similar facilities in the area, considered actual costs, evaluated the information, and made a recommendation to the C/CAB. According to the records, Center rental rates have not changed since 1987. She added that, following District procedure, in-district residents were charged 25% less. Other recommendations included use of the patio area, clean-up assistance, and kitchen use. She added that the committee did not feel it was necessary to change the policy on damage fees.

Councilmember Kappa asked how many of the comparable facilities were publicly owned.

Young said, of the ten facilities surveyed, three were publicly owned. She added that it was difficult finding a facility comparable to the Milwaukie Center without looking to the private sector.

Councilmember Kappa asked why users did not pay a damage deposit.

Young explained that, when the facility is being used, there is always a building supervisor on the premises who does a walk-through when the event is over. The process and the responsibility is outlined in the rental packet.

Councilmember Kappa asked how the committee arrived at the 25% discount to in-district users.

Young said the discount was based on aquatic park procedures.

Councilmember Farley asked the capacity of the Milwaukie Center.

Young said it depends on the type of event. If seating is needed, the capacity is less than if it were a stand-up event.

Councilmember Farley asked if this proposal would take up the funding shortfall resulting from certain legislative actions.

Young said that was not the intent. The increased fees are being recommended to recover costs.

Councilmember Trotter suggested adding "which require set up or clean up" to the paragraph on "patio use" for clarification.

Young explained this was a narrative, and staff would add appropriate language to the rental contract.

Councilmember Trotter asked if the City Council was approving the specific dollar amounts in items three and four regarding an optional clean-up charge and tent rental.

Young said tent rental cost is based on Parks District fees. It is in the report as an available resource.

Councilmember Schreiber asked if there would be some sort of delineation of the catering costs.

Young said catering costs are negotiated between the client and nutrition program.

Councilmember Schreiber commented that neither on the letterhead nor the newsletter was there any indication of a relationship with the City of Milwaukie.

Bartlett recommended discussing this issue with the District Board or the director.

Councilmember Kappa said he did not have an issue with fees, but he was concerned that they might be modified.

Young said the City Council would need to approve the same document as the advisory board. If there are disagreements, the entire process would take place again.

Councilmember Farley asked who provided the information.

Young said the ad hoc committee provided the information. One C/CAB representative was a member of the group.

Councilmember Schreiber asked when implementation would take place.

Young responded that implementation would take place on January 1, 1996.

Councilmember Trotter said he wanted clarification of exactly on what the City Council was being asked to vote.

Young said the City Council is being asked to consider and vote on recommendations one through six.

It was moved by Councilmember Trotter and seconded by Councilmember Farley to adopt the recommendation of the Center/Community Advisory Board. Motion passed unanimously.

Reauthorization Study for Corps' Willamette Basin Projects

Greg Drechsler, Acting Public Works Director, presented the staff report in which the City Council was requested to authorize the City Manager to enter into an agreement on behalf of the City of Milwaukie to contribute a pro-rated share of the local match for the US Army Corps of Engineers (Corps) Study of the Willamette Basin Projects. The first portion of the study would cost about \$2,000 with the possibility of a similar amount in the future. The City's participation would be funded from the Water Department budget. The Study is to determine if the water stored behind the Corps' dams should be reallocated to different uses which include municipal reserves.

Bartlett said the key issue was to decide whether or not to enter into an intergovernmental project. The dollar amount could change based on the number of agencies participating.

Councilmember Farley asked how many cities are involved.

Drechsler said he did not know at this time, but all cities along the Willamette were potential participants.

Councilmember Farley said he was concerned that the cost could be substantially more than \$2,000.

Drechsler said the figure is based upon the Corps' preliminary cost estimates, and the allocations are based on population. He added that the State Legislature has put money aside for this project.

Councilmember Farley asked if the City had any other contained water resources other than the wells.

Drechsler said the City relied solely on its wells.

Councilmember Kappa asked why the match would come from the Water Division.

Drechsler said the logic is that the municipal reserve is to allocate a portion of the water behind the dam for City use. The concept is to set aside municipal reserves in the event of a problem with the quality or quantity of the ground water. He added that this is a long-range project and there is no immediate need. He commented that the CUAC did not have an opportunity to review this item.

Councilmember Kappa said he was concerned that the CUAC was not informed of this earlier.

Councilmember Schreiber said she had a question about the structure of the project.

Drechsler said the Corps is doing the study, and the City, if it chooses, will be a participant. The City will be provided with information but will probably not take an active role.

Bartlett added that the League of Oregon Cities was the oversight group. He likened this study to the City's participation in the Regional Water Supply Plan. There will probably be some lobbying effort coming out of this study.

Councilmember Farley asked if Portland would be required to clean up its combined sewer outflow into the Willamette.

Drechsler said this issue was not directly related to the Corps' proposed study.

It was moved by Councilmember Kappa and seconded by Councilmember Schreiber to authorize the City Manager to enter into an agreement with the Corps to participate in its Study of the Willamette Basin Projects. Motion passed unanimously.

Reauthorize Signing Tri-Met Contract -- Resolution

Drechsler presented the staff report in which the City Council was requested to authorize the City Manager to sign a modification to an Intergovernmental agreement with Tri-Met for pavement repair along SE 21st Avenue between Jackson and Monroe.

Tri-Met developed a design and cost estimate on the project. He added that the City and Tri-Met were trying to work cooperatively on the repair. The design calls for removal of the asphalt and replacement with gravel and a concrete pad similar to the one on Harrison in front of the Public Safety Building. The proposed action would modify the current IGA with Tri-Met. The City of Milwaukie would pay 30%, and Tri-Met would pay 70%. If the actual cost goes beyond the estimate, the share would be on a sliding scale, or the City Council could decide it did not wish to participate.

Councilmember Kappa said he felt the City had already made a significant investment in purchasing the infrared paver. He believed the City should pay a flat fee, and Tri-Met should pay the balance.

Bartlett said Tri-Met is trying to keep the City from increasing the design criteria, and this is an incentive to the City. He pointed out that staff was bringing a range of options to the City Council as a proposed modification to the current agreement.

Councilmember Farley asked if repairs included the area between Jackson and Harrison Streets.

Drechsler said that area was not included.

Councilmember Trotter asked if, based on the life cycle cost of this type of road system and the future of light rail, this was the appropriate solution.

Drechsler noted that asphalt repairs would need to be done about every three years if the City Council decided to stay with the status quo.

Councilmember Trotter asked why the east side of the street is so much worse than the west.

Drechsler said this could not be determined until there was excavation.

Councilmember Trotter asked if the curb and sidewalk would have to be replaced if the concrete pad were poured.

Drechsler said the curb might have to be replaced but probably not the curb.

Councilmember Kappa felt that Tri-Met should pay for any damages incurred including curb replacement.

Mayor Lomnicki asked if the City Council was being asked to approve spending \$12,000, or is it actually approving the sliding scale.

Drechsler said staff could be directed to return to City Council if the City's share goes over \$12,000.

Bartlett said the City is not required to enter into this agreement. However, Tri-Met is not responsible for repairing the street. The City could continue to repair the street every two years with the infrared equipment.

Councilmember Schreiber said she assumed that the City Council would go along with this proposal. She suggested updating Sections 2.A.2 and changing reference to City staff in Section 5 as long as amendments were being made.

Drechsler said the fee for use of the restroom has been to modify and is no longer being a receivable for the City. Section 5 could simply refer to the City Manager's designee.

Councilmember Schreiber said she felt we should accept Tri-Met's offer.

Councilmember Farley asked if the concrete pad would be rebar reinforced.

Drechsler said the pad itself is nine inches thick on a six-inch base.

Councilmember Kappa said he agreed that the work needed to be done. Busses create a certain amount of damage, and he continued to feel that Tri-Met had an obligation to pay for damages.

Councilmember Trotter compared the cost and life expectancy between asphalt and concrete. He believed that asphalt was about one- to two-thirds of the cost of concrete. Asphalt would last about two to three years between repairs, but concrete would last about fifteen years. Tri-Met is recognizing its responsibility for the damage and approving the agreement modification would be a good way to improve the street at minimal cost. He said he would support a consensus of reconfirmation if the costs went above \$45,000.

Councilmember Schreiber supported Councilmember Trotter's comments. The City Council has the obligation of keeping the citizens' well-being in mind.

It was moved by Councilmember Trotter and seconded by Mayor Lomnicki to adopt a Resolution authorizing the City Manager to sign a modification to Intergovernmental Agreement (IGA) No. 84-717 with Tri-Met for pavement repair along SE 21st Avenue between SE Jackson and SE Monroe with the revision on page three that if the bid amount was above \$45,000, the City Council would reconsider.

Councilmember Farley asked the City's source of funds.

Drechsler said it would be paid for out of the street repair fund.

Motion passed 4 - 1 with the following vote: Mayor Lomnicki, Councilmember Schreiber, Councilmember Kappa, and Councilmember Trotter aye; Councilmember Farley nay; no abstentions.

RESOLUTION 48-1995:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO SIGN A MODIFICATION TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF MILWAUKIE AND TRI-MET.

Intergovernmental Agreement to Participate in Clackamas Interagency Special Investigations Unit -- Resolution

Brent Collier, Police Chief, presented the staff report in which the City Council was requested to adopt a Resolution authorizing the execution of an Intergovernmental Agreement to participate in the Clackamas Interagency Special Investigations Unit to investigate narcotics violations. He felt that participation in this cooperative policing team concept would enhance the goal of the COPS Plan and drug enforcement.

Councilmember Trotter asked Collier if he felt the City of Milwaukie would have fair representation.

Collier said, as a member of a policy board, he would have direct input to the services Milwaukie receives.

Councilmember Farley asked how this agreement would enhance the department.

Collier said the agreement would add more resources and capability to the department in the areas of gangs and drug investigations.

Councilmember Schreiber said this seemed similar to the agreement with Clackamas Fire District #1 for the South Metro Fire Marshal's Office.

It was moved by Councilmember Kappa and seconded by Councilmember Farley to adopt the Resolution authorizing the execution of an Intergovernmental Agreement to participate in the Clackamas Interagency Special Investigations Unit. Motion passed unanimously.

RESOLUTION NO. 49-1995:

**A RESOLUTION OF THE CITY OF MILWAUKIE,
OREGON, ADOPTING THE INTERGOVERNMENTAL
AGREEMENT TO PARTICIPATE IN THE CLACKAMAS
INTERAGENCY SPECIAL INVESTIGATIONS UNIT.**

Council Meeting Order of Business

Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to adopt an Ordinance amending Municipal Code Section 2.04.140(A) -- Order of Business. Consent Items generally take little time, but this would allow staff and audience to know what would be acted upon on a consent basis and what would be moved forward to other business.

Mayor Lomnicki, Councilmember Farley, and Councilmember Kappa indicated that they were contacted by a citizen who opposed the amendment.

Mayor Lomnicki said he did not believe this action would slow the meeting process.

It was moved by **Councilmember Schreiber** and seconded by **Councilmember Trotter** to read the Ordinance amending Municipal Code Section 2.04.140 -- Order of Business -- for the first time by title only. Motion passed unanimously. The Ordinance was read for the first time by title only.

It was moved by **Councilmember Schreiber** and seconded by **Councilmember Trotter** to read the Ordinance amending Municipal Code Section 2.04.140 -- Order of Business -- for the second time by title only. Motion passed unanimously. The Ordinance was read for the second time by title only.

It was moved by **Councilmember Schreiber** and seconded by **Councilmember Trotter** to adopt the Ordinance amending Municipal Code Section 2.04.140 -- Order of Business. Motion passed unanimously.

ORDINANCE NO. 1790:

**AN ORDINANCE OF THE CITY OF MILWAUKIE,
OREGON, AMENDING SECTION 2.04.140(A) OF THE
MILWAUKIE MUNICIPAL CODE AND AMENDING
ORDINANCE NO. 1779.**

CONSENT AGENDA

It was moved by **Councilmember Farley** and seconded by **Councilmember Kappa** to adopt the Consent Agenda which consisted of the City Council Minutes of October 10, 17, and 24, 1995. Motion passed unanimously.

Information

Councilmember Kappa discussed his recent appointment to the Clackamas County Public Safety Council as the Clackamas Cities representative. He requested that County staff provide copies of minutes and agendas to the City Council for information purposes.

OTHER BUSINESS

Councilmember Trotter asked the status of the Planning Commission's review of variance criteria as requested by the City Council.

Bartlett said he would have a report prepared for City Council's information.

ADJOURNMENT

Mayor Lomnicki adjourned the meeting at 9:25 p.m.



Pat DuVal, Recorder/Secretary

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